* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

* Case No. 89-206-A Joseph J. Krivitski

Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 2.

The Petitioner appeared and testified. Also appearing on behalf of the Petition were Scott Carpenter and Harry McCadden, contractors. There were no Protestants.

Testimony indicated that the subject property, known as 225 Wickersham Way and zoned D.R. 5.5, is improved with a single family dwelling which has been the residence of the Petitioner for approximately 20 years. Petitioner proposes to construct a garage, however, due to the location of the house on the property, there is inadequate space to place the structure in the rear yard as required. Further testimony indicated the garage cannot be attached to the existing dwelling as there is inadequate space on the side where there are no windows on the dwelling.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety,

and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the leasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this ______ __day of December, 1988 that the Petition for Zoning Variance to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facil-

> > a M Nesterowing ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 404x3053 887-3353 J. Robert Haines

December 8. 1988

Mr. Joseph Krivitski 225 Wickersham Way Cockeysville, Maryland 21030

> RE: PETITION FOR ZONING VARIANCE . W/S Wickersham Way, 106' N of Greenside Drive (225 Wickersham Way) 8th Election District - 3rd Councilmanic District Joseph Krivitski - Petitioner

Dear Mr. Krivitski:

Case No. 89-206-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

a MNGtarowic ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

Dennis F. Rasmussen

AMN:bjs

cc: People's Counsel

Contract Purchaser:

Joseph J. Krivitski (Type or Print Name) (Type or Print Name) (Type or Print Name) Attorney for Petitioner: (Type or Print Name) Baltimore, Maryland MAC HOME IMPROVEMENT Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day County, on the _______ day of ________, 19 88, at 2 o'clock

Zoning Commissioner of Baltimore County

ZONONG DESCRIPTION

Beginning on the West side of Wickersham Way 50 feet wide, at the distance of 141 feet North of the center line of Greenside Drive. Being lot 6, Block 8, in the sub-division of Ramsgate. Book number 31 folio 33. Also known as 225 Wickersham Way in the eighth Election District.

Date of Posting 11/18/88 Petitioner: Fossph J. Kzivitski Location of property: W/S Wickens brom Noy106' N/Granside Drive Location of Signe: Facing Wickershipm, appear, 15' fr. 700 duby on preparty of Polition Posted by Millitaley

Number of Signer

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

10/21/88

NOTICE OF HEARING

identified herein in Room 106 of the County Office Building, located at 111



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property

Petition for Zoning Variance CASE NUMBER: 89-206-A WS Wickersham Way, 106' N Greenside Drive (225 Wickersham Way) 8th Election District - 3rd Councilmanic Petitioner(s): Joseph J. Krivitski HEARING SCHEDULED: WEDNESDAY, DECEMBER 7, 1988 at 2:00 p.m.*

W. Chesapeake Avenue in Towson, Maryland as follows:

Variance to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

*IF PHASE II OF SNOW EMERGENCY PLAN IS IN EFFECT ON THIS DATE, CASE WILL BE RESCH-EDULED. CALL 494-3391 TO CONFIRM DATE.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Polit House J. ROBERT HAINES Zoning Commissioner of

Baltimore County ec: John J. Krivitski MAC HONE IMPROVEMENT FILE

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

Date: //-/5-88

Dennis F. Rasmussen

Mr. John J. Krivitski 225 Wickersham Way Cockeysville, Maryland 21030

Petition for Zoning Variance

CASE NUMBER: 89-206-A WS Wickersham Way, 106 N Greenside Drive (225 Wickersham Way) 8th Election District - 3rd Councilmanic Petitioner(s): Joseph J. Krivitski HEARING SCHEDULED: MEDNESDAY, DECEMBER 7, 1988 at 2:00 p.m.*

Dear Mr. Krivitskis

Please be advised that *///.65 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before many or a partie to the property of the same of the same of

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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No. 058982	post set(s), there each set not
DATE 12/7/88 ACCOUNT 1	P-01-615-000	
RECEIVED ASSELL KAIN	111.65 ets.b.	nes
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B B D D 1 + + + + X 1 X 2	-206-A	
	OF PACHIED	-1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland as fol-Case number: 89-206-A WS Wickersham Way: 10 Greenside Drive (225 Wickersham Way) 8th Election District Variance to allow an acbeasory structure (detached ga-age) to be located in the side yard in lieu of the required rear

'IF PHASE II OF THE SNOW

EMERGENCY PLAN IS IN EF-FECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 494-3391 TO CONFIRM DATE.

In the event that this Petrion is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is-

TOWSON, MD., November 10, 1988 THIS IS TO CERTIFY, that the annexed advertisement was

PETITION FOR ZONING VARIANCE The undersigned, legal owner(s) of the property situate in Baltimore County and which is

garage) to be located in the side yard in lieu of the required

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-206-A

described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 400.1 To allow an accessory structure (detached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the 3D There is not enough ground space in the back of the house. We cannot attach it to the side because of the existing

We cannot attach it to the rear because that would result in blocking all windows and entryways at the rear. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):

Jusepela Mistola 225 Wickersham Way 666-0018 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

4335 Bunny Lane 388-0885

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 10 , 19 88

> THE TOWSON TIMES THE JEFFERSONIAN.

nez M20419

case 89-206-A

period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
11/396 Nov. 10.









